25-7228

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Jose M. Colon — PETITIONER
(Your Name)

vs.

Donald Trump, et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

District Court For The District of Columbia
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jose M. Colon
(Your Name)

B-64633 2-B-9
(Address)

San Quentin, CA. 94964
(City, State, Zip Code)

none
(Phone Number)

Contents... CERTIORARI I of VII Colon v. Trump

QUESTIONS PRESENTED FOR REVIEW

1. Did the first congress in fact mean to confer such king authority upon the presidency?

2. Can an article III court confer such king authority on the presidency in light of the legislative intent of the first Congress, as told to the voters in 1787? (see West Virgina v. EPA, 597 U.S. 697 at 721).

3. When Trump pulled covid Research funding on March 27, 2025, did his actions give me standing to challenge his actions under the Americans with Disability act by way of a 1983 complaint?

LIST OF PARTIES

Defendants are: Donald Trump, Elon Musk, Ron DeSantis, Jim Jordan, Ken Parton.

Plaintiff is: Jose M. Colon.

RELATED CASES

A.A.R.P. v. Trump, 2025 U.S. Dist. Lexis 76785.

AFGE, AFL-CIO v. Trump, 2025 U.S. App. Lexis 13315.

Am. Foreign Serv. Ass. v. Trump, 2025 U.S. App. Lexis 15297.

California v. Trump, 2025 U.S. Dist. Lexis 112853.

Chi. Women in Trades v. Trump, 2025 U.S. Dist. Lexis 57299.

Citizens for Resp. & Ethics in Wash. v. United States Doge Sev., 2025 U.S. Dist Lexis 42869.

City & County of San Francisco v. Trump, 2025 U.S. Dist. Lexis 78603.

D.B. v. Trump, 2025 U.S. Dist. Lexis 79547.

Dellinger v. Bessent, 768 F. Supp. 3d 33.

Does v. DOJ, 2025 U.S. Dist. Lexis 54011.

Does v. Musk, 2025 U.S. Dist. Lexis 100405.

Fleming v. United States Dept. of agric., 987 F.3d 1093.

Hale v. Exec. Off. of the President, 2025 U.S. Dist. Lexis 100078.

M.A.P.S. v. Garite, 2025 U.S. Dist. Lexis 109033.

Nat'l Treasury Emps. Union v. Trump, 2025 U.S. App. Lexis 11952.

NLRB v. Starbucks Corps., 125 F. 4th 78.

Sanchez Puentes v. Garita, 2025 U.S. Dist. Lexis 79267.

United States Inst. of Peace v. Jackson, 2025 U.S. Dist. Lexis 96100.

United States v. Bannon, 2025 U.S. App. Lexis 12819.

V.O.S. Selections, Inc. v. Trump, 2025 U.S. App. Lexis 14318.

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PETITION

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner Respectfully prays that a writ of certiorari issue to Review the Judgements below.

OPINIONS BELOW

1. Ex parte Garland, 71 U.S. 333, was the First case to go beyond a meaning of pardon, and created the "false constitutional premise" which violated the "separation of powers doctrine". A violation picked up in "Ex parte Grossman, 267 U.S. 87," and then Repeated in "Myers v. United States, 272 U.S. 52." Then Seila Law LLC v. Consumer Financial Protection Bureau's, 591 U.S. 197, which Trump used to wreck the Federal Government.

2. On May 19, 2025, I Filed a pro se Complaint on Trump concerning his actions, using the authority the Seila Five gave him, he pulled "Long covid Research" without allowing it to conclude its Research. On November 24, 2025, the District Court dismissed the complaint for "lack of subject matter jurisdiction." The "memorandum Opinion" and "Order" are attached as "Appendix "A". The ORDER of the United States Court of Appeals, For the District of Columbia Circuit, is also attached as "Appendix "B".

JURISDICTION

This court has jurisdiction of this direct appeal from the Judgment of the United States District Court for the District of Columbia, in the case of "Colon v. Trump," District Court number 1:25-cv-01863, concerning the order that was entered on November 24, 2025. The Court has jurisdiction of this direct appeal under Rule 18 and 28 U.S.C. sec. 2101(e), after January 16, 2026, from the case in the United States Court of Appeals, for the District of Columbia Circuit, Case number 26-5012, because it is this court's proper constitutional role to address and correct a "false constitutional premise" of the Court's own creation.

Rule 11 jurisdictional statement: Only this court has the constitutional authority to address and correct the conflects created by the Court's "Seila" ruling based on a "false constitutional premise," with its rulings in "United States v. Carolene Products" and "Erie R. R. v. Tompkins". The importance of these questions is a fundamental one, which presents a great public safety issue, that affects the day to day safe operations of our constitutional government, caused by the authority the "Seila Court" gave Trump. As seen in Trump's attempts to destroy the "Consumer Financial Protection Bureaus," and personal to me when Trump pulled covid funding that was doing research on "Long covid", not allowing the Research to complete its work. In this limited sphere of "false constitutional premises," this court created it, and this court is the only one that can correct it, (see South Dakota v. Wayfair... 585 U.S. 162 at 183-184),

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLED

This case involves the "Fifth Amendment," the "Pardon clause," the "Necessary and Proper Clause" and the "Separation of Powers Clause", which provides:

1. Fifth Amendment: No person shall be deprived of Life, liberty, or property, without the due process of Law.

2. Pardon clause: President... Grant Reprieves and Pardons... except in cases of impeachment.

3. Necessary and proper clause: to make all Laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other Powers vested by this constitution in the Government of the United States, or in any Department or officer thereof.

4. Separation of Powers clause: NONE!

This amendment and clauses are enforced by Title 42, section 1983, and the Americans with Disabilities Act of 1990, 42 U.S.C. section 12101 et seq.

1. Every person who, under color of any statute, ordinance, Regulation, custom, or usage of any State, Territory, or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any Rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this

Section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia, (42-1983).

2. No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity, (ADA).

STATEMENT OF THE CASE

Since this case is based on the Garland Court's "False constitutional premise", it is necessary to start this "Statement of the case" with a pretty good definition of the word, "Prerogative," which refers to powers that are vested in the executive and not governed by law. This power to act according to discretion, for the public good, or sometimes even against it, without the prescription of the law, is that which is called prerogative. Also known as the power that is inhere in the King by virtue of his Kingship, (see Texas v. Biden, 20 F.4th 928 at 978). The last time this meaning of "prerogative" was used in English Law was in 1686, in the case of "Godden v. Hales, 2 Show. 475 at 478 (KB). This was three years before the Glorious Revolution of 1689, where the English Bill of Rights was penned, and the King lost a lot of authority, and restrictions on his "prerogative" in his Kingship,

(see Texas... 20 F.4th at 980).

By 1776, King George III was the monarch in power, and he found a way around all the restrictions on his "prerogative powers". By manipulating members of the House of Commons, through offers of personal rewards and privileges... that is why we have "article 1, section 9, clause 8 of the constitution," which Trump ignores. In this way, the crown was "bribing its way into Tyranny," while preserving the pretense of mixed government with its internal checks and balances, (see The Creation of the American Republic, 1776-1787 (1998) Gordon S. Wood at 21-23). These abuses by King George III were still in the minds of those who fled it and fresh in the minds of those who visited England and saw the abuse firsthand. It had a profound effect on the 1787 American voters, who thought, "if these distortions of King George III, of the British constitution could happen in the mother country, what would stop the same calamities from being imposed on the Colonies," (see Article: The limits of executive power, 59 Am. U.L. Rev. 259 at 291).

With this in mind, the continental congress called upon its delegates to create a new government strong enough to win the country's independense, but not so powerful that it would deprive the people of the very liberties for which they were fighting for. This balance was not achieved with the "articles of Confederation", but was achieved by the "convention

of 1787," when the delegates proposed in "Article II of the constitution" to create the office of "President of the United States" and not a monarch, which meant no monarch powers, (see Book Review: Gunfight at the New Deal CORRAL... 19 Geo. J. L. & Pub. Polly 477 at 507 note 154).

Separation of powers:

First, at this, the first congress, the historical record, reveals no one baseline what a reasonable constitutionmakee would have understood "the separation of powers" to mean in the abstract, constitution contains no "separation of powers clause". We do know, in the constitution, the idea of "separation of powers," properly understood, reflects many particular decisions about how to allocate and condition the exercise of Federal power. In fact, the document not only separates powers, but also blends them in many ways in order to ensure that the branches have the means and motives to check one another, (see Article: Separation of Powers as Ordinary Interpretation, 124 HARV. L. REV. 1939 at 1944-45).

Why a President?:

Second, at this, the first congress, some framers of the constitution wanted a strong king type government, while others did not want a king type government because of the history of abuse by English kings, and preferred a plural executive. Why did we end up with a unitary

President without King powers? Because the Framers of the Constitution Recognized the strong antimonarchical sentiment among the 1787 voters, and despite what ever private and secret desires some may have held, and despite their manifest desire to strengthen the executive department, they also Recognized that any President they created could not be a monarch or have monarch powers, (see article: Former Presidents and executive Privilege, 88 Tex. L. Rev. 301 at 325-326 Note 160). Once the Constitution was unveiled, the public in voting for its delegates and the Ratifiers, in adopting the constitution, relied upon and were ultimately persuaded by the arguments of Madison, Hamilton, Jay, and others in the Federalist, who went to all 13 state convention debates, and explained why the presidency would not be a monarchy. Hamilton wrote at length in several articles that the constitution sought through numerous provisions to prevent a monarchy, Rather than install it. He particularly emphasized that the President was not a monarch, because he would be elected for only four years. He could be Removed by impeachment. He could not veto laws absolutely, and he could not declare war, (see ARTICLE: Former Presidents... 88 Tex. L. Rev. 301 at 326 Note 164). In short, the Framers ensured that the President would not have unfettered king powers. It had been denied in all the thirteen states

before the framing of the federal constitution, and during the actual framing of the federal constitution. Justice White said on the House floor in 1789, "an uncontrollable power of removal in the 'chief Executive' is a doctrine not to be learned in American government," (see Myers v. United States, 272 U.S. 52 at 292-293). So why are we learning it now?

"False Constitutional Premise"

Third, the reason we are learning it now, is because along the line of our history of case law, a court created a "false constitutional premise", that was picked up by three other courts. It created a false history of the presidency having king powers. Yet, up to that first court, it is not found in the constitution, nor implicitly protected by constitutional provisions, nor deeply rooted in the nations history or tradition, nor implicit in ordered liberty and not justified as a component of broader entrenched Right or authority, (see Dobbs v. Jackson..., 597 U.S. 215 at 216-222 and 292).

The official constitutional process went like this: The first congress gives the word "pardon" a meaning that allowed it to be fettered by congress with the word "impeachment" and further instructed that congress should fetter it as little as possible, but not that it couldn't be fettered further, if the need arrived, when they gave the presidency "pardon"

authority in 1787, (see Federalist No. 74: Especially Read the letter to see how they envisioned the pardon authority to be used). Then in 1856, the Wells Court gave the word "pardon" a meaning given to it by the Crown, for the Monarch's pleasure, that couldn't be fettered by statute. While the Wells court acknowledged the "impeachment" exception, it ignored the legislative intent of no King powers for the President, (see Ex parte Wells, 59 U.S. 307 at 321). The actual start of the "False constitutional premise" started in 1867, when the Garland court gave the Wells Court meaning of pardon to the presidency and stated that the President had the same "Prerogative" as the King, (see Ex parte Garland, 71 U.S. 333 at 380). The Garland court used almost the same wording as did the court in "Godden v. Hales, 2 Show. 475 at 478 (KB)" but did not meantion the 1686 Godden court. Then in 1925, the Grossman Court further built up the history of the "false constitutional premise" of the Garland and Wells court's by Repeating that the President had the same "Prerogative" authority as the King, (see Ex parte Grossman, 267 U.S. 87 at 108-109). Which is picked up by the Myers court in 1926, giving the presidency "King removal power", (see Myers v. United States, 272 U.S. 52 at 118 and 128). Then in 2020, the Myers decision is picked up by the Seila Court, who gave the presidency "unrestricted King removal power," (see

Seila Law LLC v. Consumer Financial Protection Bureau, 591 U.S. 197 at 214). Then began the destruction of the federal system by Trump and Musk, based on a "false constitutional premise," that used the meaning of "prerogative" that was last used in England in 1686, three years before the Glorious Revolution of 1689, when the English Bill of Rights was penned, restricting the king's "prerogative authority." Distruction caused by it, still holds our nation in peril, (see National Treasury Employees Union v. Vought, 774 F. Supp. 3d 1). The "false constitutional premise" does not follow the instructions given to federal courts concerning the pardon nature, when in 1833, the high court stated, "American courts should interpret the pardon power as the British courts and Parliament did," (see United States v. Wilson, 32 U.S. 150 at 160). This instruction is still good today, because the fundamental canon of statutory construction is that words generally should be interpreted as taking thier ordinary, contemporary, common meaning at the time congress enacted the statute, (see Wisconsin Central Ltd v. United States, 585 U.S. 274 at 277), and in 1787, it was common knowledge that all chief magistrates of the 13 states and federal republican government, lacked authority to dispence with application of law to particular individuals, or to suspend law etirely, was so thoroughly settled in Anglo-American constitutional law by the Glorious Revolution and its aftermath that the principle most likely would have gone without saying. By the late eighteen century,

few would have thought that a chief executive could exercise "suspension or dispensation power" without a statutory delegation or a specific grant of constitutional authority. After all, the Crown had lacked these powers for almost a century, (see Faithful Execution and Article II, Harvard Law Review, June 2019, 2111 at 2184 note 429). No one realize, that 5 Justices would in 2020, ignore the Legislative intent of the First congress, and ignore that article III Courts could not grant such authority to the presidency. Only the First congress could, and they did not for good reason, as Trump is showing.

CONSUMER FINANCIAL PROTECTION BUREAU'S? (CFPB)

The present mess that we are in, caused by the Seila decision, is a classic Battle over the "CFPB", between good and evil, between Right and Wrong, between the American consumer's good welfare and the greedy Robber Barrons, who caused the 2008 Financial collapse that cost the American consumer over a trillion dollars, but the Robber Barrons nothing, because they knew it was coming. It's like watching 1929 history repeating itself, watching Hoover take the blame for the economic collapse, which Hoover knew the Robber Barrons caused with their insider trading. So Hoover, a president where the buck stops, started the SEC over the Robber Barrons objections. The Robber Barrons did not want Regulations and just wanted to keep their insider trading like it was. Hoover said no and lost the

election. But the Robber Barrons lost more control of the market with Roosevelt and even more with each new president up to Obama, who was the last President to strengethen the SEC Rules after the 2008 collapse, protecting the American Consumer.

FOUR HEROIC AMERICANS!

Four americans act quickly, and after the collapse, Obama, Warren, Dobbs and Franks got together and created the "CFPB" to protect the American Consumer from the greedy Robber Barron's predetory financial scams. The "CFPB" was built strong enough to handle the rich Robber Barron's like Trump, Musk, and Vought. From the start, the greedy Robber Barrons hated the "CFPB", because the "CFPB" beat them over and over again, making the evil Robber Barrons return over 10 Billion to the American consumer. Despite the relentless attacks by the Robber Barron's stooges in Washington, the "CFPB" became the most successful federal agency, dollar for dollar, in U.S. History. For a more accurate history of the "CFPB" and the four heroic Americans who built it, see "The Political Economy of the Removal power, 'Unitary executive theory,' 134 Harv. L. Rev 352."

If the tradegy of the Seila decision were a card game, then congress could have told the Seila court to wait, "a doctrine can't beat a clause," (See Knote v. United States, 95 U.S. 149 at 153-155). Especially

a doctrine that can be easily manipulated, (see Article: Separation of Powers as Ordinary Interpretation, 124 Harv. L. Rev. 1939 at 1998 note 302: "... doctrine of separation of powers was vague and permissive, it was easily exploited by different persons for different purposes..."). With that in mind, did the Seila Court properly use the doctrine, to over rule Congress' authority under the "Necessary and Proper Clause?" (NPC). The NPC gave Congress the power to define the means to carry into effect any power of the Federal government. The only limit on this power is the requirement that, Congress act through laws and that those laws be "necessary and proper," (see M'Culloch v. State of Maryland Et al., 17 U.S. 316 at 415). So, was the "CFPB's" set up "necessary and proper," when congress fettered the President's removal authority by placing the condition of, "Removable only for inefficiency, neglect, or malfeasance?" Yes, for two reasons. First, it would have kept the Robber Barrons from destroying the "CFPB" Second, it would have kept Trump from getting Musk access to the Federal computer system, so Musk could plant his algorithms and loot the Federal Treasury. Protecting the financial security of the American consumer and the Federal Treasury, is a "necessary and proper" use of its article I authority. It seems that the Seila court decision is an attempt to, once again "constitutionalize common English law in the U.S."

Yet, decisions like "Erie R.R. v. Tompkins" recognize the "essential role of Federal lawmaking procedures" in establishing "the supreme Law of the land," and thus safe-guard federalism by preventing federal courts from adopting laws outside these procedures. (see Article: "The constitutional canon as Argumentative Melonymy," 18 Wm. & Mary Bill of Rts. J. 327 at 362-363, and "Mechanical Jurisprudence," Roscoe Pound, 8 Colum. L. Rev. 605 at 620-621). But the Erie court was not the first court to make that point. Back in 1856, Justice Mclean's dissent warned that, "The executive office in England and that of this country is so widely different, that doubts may be entertained whether it would be safe for a Republican chief magistrate, who is the creature of laws, to be influenced by the exercise of any leading power of the British sovereign. Their respective powers are as different in their origin as in their exercise. A safer rule of construction will be found in the nature and principles of our own government," (see Ex parte Wells, 59 U.S. 307 at 318). These cases and the "necessary and proper clause" show that the Seila court did not properly use the "Doctrine of Separation of Powers." Had congress appointed the head of the "CFPB", then Congress would have been wrong. But all congress did was protect the director of the "CFPB" from unfair removal by the money of the dirty Robber Barrons, and the biggest Robber Barron Trump. Which made the Robber Barrons Really angry, has seen

in the distRuction of the "CFPB" (see National TReasURY Emps. Union v. Vought, 774 F. Supp. 3d 1).

Pardon Clause and Necessary and PROPER clause

Both of these clauses, aRe of equal efficiency with each otheR in the Constitution, (see knote v. United States, 95 U.S. 149 at 153-155). This equal efficiency can be used to fix the mess that the "Seila five" cReated with the "False constitutional PRemise!" The best way to explain the fix is found in an old English maxim, and Read:

> "The maxim in English Constitutional Law, that the king can do no wRong, can have no place in OUR system of gouERnment, because we have no king to whom it can be applied to. The PResident, in the exERcise of the executive bRanch, is the only individual to whom it could possibly have any Relation. Yet, it cannot apply to him, becaue the constitution admits that he may do wRong, and has pROvided, by the pROceeding of impeachment, foR his tRial FoR wRong doing, and his Removal FRom office if Found guilty," (see LangFoRd v. United States, 101 U.S. 341 at 343).

The constitutional method of dealing with an unethical head of gouERnment, is alot better then the English method of "off with theiR head!" That little maxim was a followup to Justice Mclean's pROVERb,

which stated, "The executive office in England and that of this country are so widely different, that... their respective powers are as different in thier origin as in their exercise. A safer rule of construction will be found in the nature and principles of our own government," (see Ex parte Wells, 59 U.S. 307 at 318). That little proverb makes a very important Legal truth, that the authority of the English "prerogative" up till 1689 came from the crown, and thereafter, it came from Parliament. While in the United States, the authority of "prerogative" has always come from the constitution it self and only the Constitution! (see Schick v. Reed, 419 U.S. 256 at 260). Compare the two, "benign prerogatives!"

The benign prerogative of pardoning should be as little as possible Fettered or embarrassed.	The benign prerogative of mercy reposed in him can not be Fettered by any legislative restrictions.
For President.	For king.

We are in America, and not 1686 England. We are a "constitutional government of laws" and not a monarchy. There is no good Legal Reason for ignoring the "benign prerogative" the constitution gave the word "pardon," in favor of the "benign prerogative" given to a British monarch, for his pleasure. Those acts by the Wells, Garland, Grossman, Myers and Seila courts are not

just repugnant to our constitutional government, but also puts us at peril. While patriots are fighting over a "touche unitary executive theory," the evil Robber Barrons are looting the U.S. Treasury and laughing at all the American Suckers. Trump will use his money laundering net work, while Musk will claim that the money came from his Tesla deal, and each will call the other brilliant. Who will question them? Not the present congress, a trillion fills alot of pockets! Then we have the "Seila Five," they are blinded by their "touche unitary executive theory," a pure fantasy when you consider the reasons why the framers weakened the presidency and the voters approved it by ratification of the constitution. It was not perfect, but it worked, and with a weakened presidency, we gained our independence, with the help of our friends. With a weakened presidency we held the Union together with the help of our friends. With a weakened presidency we won two world wars with alot of help from our friends. We are a nation blessed, because we have friends who come to our aid, when we need it, and many times without being asked...Canada being our closes Argo Friend.

THE NECESSARY AND PROPER FIX!

The Seila court can return the balance of our Government, established by the Framers of our constitution and approved by the 1787 voters. By doing what the Erie court did, and return to only constitutionally

based decisions, and over turn the "false constitutional premise". Then follow the instructions of the Wilson court, concerning the nature of the word "pardon" and not the authority. Follow the intent of the first congress and 1787 voters. That the presidency would not have King powers. That means over ruling its Seila decision, and returning the "CFPB" back to the set-up that the 2008 congress created, and thank the four heroic Americans who created it for the American people. Then make clear, that while congress can not take the president's pardon authority, nor make impeachment a pardonable offense. It can futher fetter the nature of the president's pardon authority the way the first congress did, if the need presents it self. Then close with, "the president is not a king and can not pardon himself." The president is not the supreme law of this constitutional government. The constitution is supreme, and the supreme Law of this land gave congress the authority to make "necessary and proper" laws, and the degree of its necessity is a question of legislative discretion, not judical cognizance, (see M'Culloch v. State of Maryland et al, 17 U.S. 316 at 317 and 415).

STANDING

To comprehend my standing under covid, you must go back in time and take into consideration my experiences here at San Quentin (SQ). In the 80's and 90's

I learned how showering in a ten men open air shower spread disease. An MTA (medical Technical assistant), called the shower system here at SQ, "the super spreader," and that name fits the situation perfect. One man could get the other nine men sick, and if there is double-ups, he would get 19 men sick. Sometimes the staff here at SQ use disease spreading as punishment. During a lock-down, they will release 100 men and say "you have an hour to shower" and that causes 3 men to a shower head, and can sicken 29 men. When your young, and have a strong immune system, you can recover pretty fast and good. Yet, when your elderly with a weaken immune system, with a preexisting condition like heart disease, its deadly, (see Howe v. Mass. Dept. of Corr., 2024 U.S. Dist. Lexis 131529 at 13: "Reliable scientific data conclusively shows that individuals with preexisting health conditions face a higher risk of serious illness and death from covid-19"). That is because risk of disease transmission is particularly high in a old security prison invironment like SQ, as explained above concerning the "super spreader."

<u>BARRIERS NOT DISTANCE</u>

In 1990, I was sent back to SQ for a year long psych evaluation and was assigned to work in the hospital. While there I was shown the correct way to deal with inmates who had an infectious disease. The main and overall point that was made clear in the lessons was "barriers."

Always use a barrier between you and the infected inmate. Organisms can travel a long distance in the air. Especially when propelled by a cough or a sneeze, and only the barrier will stop it, like a mask. The nurses were real careful when they entered the infected inmates cell. They were covered from head to toe with protective gear. When the nurses came out of the infected cell, they were real careful in how they removed the gear, so not to infect themself. But the main lesson I got was the importants of the barrier. Only barriers stop the spread of infections. When my year was up, I was scheduled to transfer back to Tracy, the prison I came from. But my boss tried to keep me at SQ, by taking me off the transfer list and not telling me. When I found out, I asked him to put me back on the list, because I did not want to stay here. I left SQ a week later. The entire time I was at SQ, I did not get sick this time. Because the year I spent there in 1990, I never used the "super spreader," I always showered in the hospital after I cleaned them at the end of the day

COVID INFECTION

In June of 2020, I caught covid and was sent to the gymnasium with 50 other inmates for quarantine. In quarantine, we were check twice a day by med-

ical staff. During two of these checks, two nurses detected my Afib. After an examination, it was determined that I had less then 1% Afib. On June 9, 2021, I was sent to SQ for an operation for the Afib. This time around, because of my experience in the 80's and 90's, I was determined not to stay here at SQ. I refused to take part in programs, and take a cellie, and always tried to avoid the super spreader, when I noticed that they did not take any real precaution to prevent spread of covid. I 602 the shower situation, but was denied. In a six month period, while housed in "A" section, I got sick five different times and the vaccine did its job, because I did not stay sick as long as I did in Soledad. When I was locked up for not taking a cellie, I was glad, because it meant a single cell and showering in an enclosed one man shower. After a week of experiencing night sweets and lost of balance when I got up, I started Feeling better. Then I was told that I couldn't be locked up in SHU for refusing a cellie, but could receive writ-ups and "C" status. Since then, I've been written up I believe six times, and have been on "C" status on and off for almost three years. When I was placed in West, the officer who brought my property out, stacked my property on top of my T.V., which caused it to go out two weeks later. so started the extra "C" status punishment for

avoiding covid exposure. But the extra "C" status punishment was not the real problem. Even after the west block officers broke my new T.V., the real problem was that while in west block, I caught covid six more times, and that exposure shot my Afib up from less then 1% to over 33%. Which a week later caused my right side to start to collapse. The afib operation stopped the collapse, but everytime I look in the mirror I can see the difference, and one doctor told me that it won't come back... she was the only one to tell me the truth, and the extra "C" status punishment continues, just because I avoid covid exposure.

IT DID NOT HAVE TO HAPPEN!

The medical staff at SQ are experienced and knew what to do concerning barriers to avoid covid spread, but were overruled by custody. They knew that barriers were the answers and not just distance for most inmates. But they also knew from their policy, that elderly inmates with weaken immune systems would need extra precaution. The staff at SQ knew the history of how the "superspreader" spread infections and gave inmates ducats to shower in the shower on the first floor in the old hospital, to avoid serious infection, when they had open wounds. Knowing this history, the staff at SQ could have placed barriers big enough between showers to create a cubical

between each shower to prevent covid spread at a minimal cost. In fact, the reduction of covid spread and death would have paid for the cost of creating the shower cubicals over and over again in the reduced number of inmates needing covid treatment. To also be affective, the SQ staff could have also started a policy of no crowding in the shower area, especially during pandemics. Yet, this policy would have only worked for normal inmates with strong immune systems. Elderly inmates with weaken immune systems and preexisting conditions would have needed to be singled celled, and showered in one man enclosed showers. These precautions would have prevented my over eleven covid exposures, that caused my Afib to rise to over 33%, and caused my right side to collapse, almost killing me. Knowing the "superspeader" history and having the facilities at SQ to house the elderly inmates with preexisting condition safely, the staff at SQ choice not to use the facilities and instead, endanger my life, and the life of inmates like me similarly situated. The only Reason I am still alive today is because of the operation for Afib, and I stopped listening to custody staff instruction concerning covid infection. Instead, I listened to the experts on PBS and what I read in medical articals concerning covid. I heard the warning that covid was still killing unvaccinated people and

and fully vaccinated people. What really surprised me was when the numbers switched positions. It went from 60% unvaccinated deaths and 40% fully vaccinated deaths to, 60% fully vaccinated deaths and 40% unvaccinated deaths, just before the west block officers broke my new T.V. That switch opened my eyes to the importance of not listening to custody concerning covid or that idiot Trump, and use barriers. In choosing to leave the showers as they were before the covid pandemic, and continuing to double cell elderly inmates with preexisting conditions, and only depend on the vaccine, gives rise to an Eighth Amendment violation in this case, (see Torres v. Milusnic, 472 F. Supp. 3d 713 at 727: also see Farmer v. Brennan, 511 U.S. 825 at 834).

LONG COVID

In 2022, medical experts did a study, and came out with a report stating covid is still causing cognitive deficit, stroke, dementia, psychotic disorder and that they remain elevated two years after covid infection. The report recommended further research needed to be done to develope treatment for these effects, (see Covid-induced neurological impairment could last two years. San Quentin News. Com page 14, Janury 2023). Soon after the congress invested over 1.1 Billion on long Covid Research and Related projects, (see 8 Labor and Employment Law Sec. 198.01) Since then, Long covid, also known as "past-covid 19

syndrome," "post-acute sequelae of Covid-19" (PASC), "chronic Covid syndrome" (CCS), and "Long-haul covid," are a persisting convalescence period after a covid infection. Symptoms Appear to come in waves, and can be wide ranging. The symptoms that affect me here at SQ are hearing and vision problems. But the Real bad ones are the insomnia, anxiety, and debilitating memory fog and they all cause emotional distress. You seen Biden experience memory fog during the debate with Trump, after recovering from his third covid exposure. The most dangerous from Repeated exposures are the heart rate and blood pressure issues, (see Article: The law, Economics, and Governance of Generation Covid-19 Long haul, 19 Ind. Health L. Rev. 47 at 57-60).

ADA STANDING

When "Long Covid" was made a "Disability" under the ADA, section 504 and section 1557, it gave me legal Rights, and the invasion of which gave me standing, even though no injury would exist without the statute, (see TRaffecante v. Metropolitan Life Ins., Co., 409 U.S. 205 at 212). That's because congress created legal interests in the mere enforcement of its statutory provisions, of which the 1.1 Billion for "Long covid Research" was one. Now, statutes which Fail to address standing, or which are unclear in the breath of standing granted, create enforceable interests by implication, and such interests may be

both intangible and widely shared, (see Justiciability and judicial discretion: Standing at the Forefront of Judicial abdication, 61 Geo. Wash. L. Rev. 1548 at 1561-1563). In this case, the legislative intent in the "Long covid" Research bill was to better understand the affects of "Long Covid" and Find treatments for those still suffing and to better prepare to deal with a pandemic like covid in the future. The information coming From the Research has been life sustaining. It warned that covid exposures was killing Fully vaccinated Americans with preexisting conditions. Stopping the Flow of that information without any due process, as required by the Fifth Amendment, deprived me of my constitutional Rights, (see Nat'l Treasury Emps. Union v. Vought, 774 F. Supp. 3d 1 at 51-52). Since 1787 the constitution as always over-Ruled English common law, as seen in the impeachment clause. When congress overruled the English common law practice of simutaneous Removal of public officials and the imposition of criminal punishment, (see The law as King and the King as law: Is a President immune From Criminal Prosecution Before Impeachment? 20 Hastings Consti. L. Q. 7 at 41-44). Back in 1686, most of the time it meant "off with their heads." The constitutional way is better. Hence, in this case, the Fifth Amendment overRules the king authorities the Seila court gave the presidency in 2020, and requires the Funding For "Long Covid Research" be

returned and the program be allowed to finish the task congress gave them for the American People.

REASONS FOR GRANTING THE PETITION

To understand why you should grant this petition, you have to recognize the wisdom of the framers of our constitution and the wisdom of the 1787 voters, in avoiding the calamities that were going on in the mother country. Calamities we seem to be experiencing now! With that in mind, the first Continental congress called upon its delegates to create a new government strong enough to win the country's independence, but not so powerful that it would deprive the people of the very liberties for which they were fighting for. This balance was not achieved with the "articles of confederation," but was achieved by the convention of 1787. What was the balance suppose to avoid? The corruption in the government of England, caused by the concentration of power in the crown, and the fear it would destroy the necessary balance of powers in the British constitution and violate the liberties of the British people. They wanted to stop the same calamities from being imposed on the Colonies! (see Article: The limits of executive Power, 59 AM. U. L. Rev. 259 at 291). It seems old king TRUMP, I mean

old King George III was getting around all the restrictions on his "prerogative powers," by manipulating members of the House of Commons, through offers of personal rewards and privilegs. In this way, the crown was "bribing its way into Tyranny," while preserving the pretense of mixed government with its internal checks and balances, (see The Creation of the American Republic 1776-1787, Gordon S. Wood at 21-23). That's why real checks and balances were established in the constitution, in order that it should not happen here. Before the Garland, Grossman, Myers and Seila court decisions, we had a government of laws and not of men. That is why Justice White said on the House floor in 1789, that an uncontrollable power of removal in the Chief Executive "is a doctrine not to be learned in American government." (see Myers v. United States, 272 U.S. 52 at 292-293). The Seila court did, only what Congress can do and did not. As seen at the constitutional convention, the delegates unanimously rejected a proposal to grant the president suspending authority. Some scholars have even suggested that the Framers intended the "take care clause" to codify the repudiation of royal suspending and dispensing prerogatives. At the Philadelphia convention, early drafts of the constitution would have conferred explicit

Law-enforcement power on the president. The final version of the constitution, however, omits any such provision and instead includes the "Take care clause;" which by its terms imposes a law-enforcement duty rather than an affirmative authority. The evolution of the "Take Care clause" from a power-granting to a duty-imposing provision underscores that the Framers intended congress to have policy making supremacy. What is more, although there appears to be no contemporaneous evidence indicating that the Framers intended the "Take Care Clause," to abrogate executive suspending or dispensing powers, one key member of the Constitutional convention later indicated that the clause was meant to carry this implication. Describing the clause as providing that the President holds "authority, not to make, or alter or dispense with the laws, but to execute and act the laws, (see Article: Enforcement Discretion and Executive Duty, 67 Vand. L. Rev. 671 at 693-695). That is why Real checks and balances were established in our constitution, in order that the same calamities happening in 1787 England, would not happen here. Four article III courts do not have the constitutional authority to force the meaning of pardon meant for an English monarch, for his pleasure on the united States, nor the unfettered power of a king.

Please return us to the checks and balances that were wisely established by the First congress, after the 1787 voters made it clear that they were electing a president without king powers.

CONCLUSION

For the reasons stated above, Petitioner prays that the Petition for a Writ of Certiorari be granted.

Respectfully Submitted,

Jose M. Colon

Petitioner, In Pro Per

Dated: March 2, 2026